In the High Court for the States of Punjab and Haryana, at Chandigarh.

C.R.No.1126 of 2007 (O&M)
Decided on March 01,2007.

Smt. Santosh -- Petitioner

vs.

Smt.Krishna --- Respondent.

Present: Ms.Priyanka Sud, Advocate, for the petitioner

Pritam Pal,J: (Oral)

This Civil Revision,under Article 227 of the Constitution of India, filed by the petitioner, is directed against impugned order dated February 01,2007, Annexure P-1, whereby in an election petition filed against respondent Smt. Krishna, a Municipal Councillor, following interim order was passed by learned Municipal Election Tribunal, (Civil Judge,Senior Division), Rewari (hereinafter referred to as 'the Tribunal'), on an application dated January 28,2006:-

"In my opinion, the respondent stands to lose nothing in case the application dated 28.1.2006 moved by the petitioner is allowed as for determination of the facts as to whether about 7 valid votes polled in favour of the petitioner have been put in the bundle of rejected ballot papers and further as to whether 49 votes polled in favour of the petitioner were wrongly counted in favour of the respondent after putting them in

the bundle of votes polled in favour of the respondent. In the interest of justice, this application is hereby allowed and DRO, Rewari is appointed as Local Commission with the direction that he will summon the record of the election from the concerned office and inspect the same in the presence of the parties or their respective counsel. He will report specifically regarding the following facts:-

1. Whether the returning officer had signed 122 rejected votes after writing word rejected on them.
2. Whether about 70 votes polled in favour of the petitioner were wrongly put in the bundle of rejected ballot papers.
3. Whether about 49 valid votes polled in favour of the petitioner were wrongly put in the bundle of votes in favour of the respondent and they were counted as votes polled in favour of the respondent.

The fee of Local Commission is assessed Rs.2,000/- to be paid by the petitioner. The Local Commissioner shall give prior notice to the parties or their respective counsel of the date and time and place of the inspection scrutiny/ counting of the ballot papers. The final report of the Local Commissioner is awaited for 5.3.2007".

The only noticeable point of argument raised by learned counsel for the petitioner is that application dated 28.1.2006 filed by Smt. Krishna-respondent for inspection and counting of ballot papers after summoning of the record is a delayed one, so, the learned Tribunal, should not have entertained the same and then ordered

in the aforesaid manner.

In order to maintain purity of election process in the democratic set up, and also in view of the allegations contained in the election petition, this Court does not find any illegality or impropriety in the impugned order.

Hence, this Civil Revision stands dismissed in *limine*.

March 01,2007 (Pritam Pal)
RR Judge